



City of Carmel

CARMEL PLAN COMMISSION SPECIAL STUDIES COMMITTEE THURSDAY, OCTOBER 7, 2004 (*Special Meeting*)

The Special Studies Committee of the Carmel Plan Commission met at 7:00 PM on October 7, 2004 in the Caucus Rooms of City Hall.

Members present: Jerry Chomanczuk, Wayne Haney, Mark Rattermann, and Steve Stromquist, thereby establishing a quorum.

Jon Dobosiewiz, Senior City Planner for the City of Carmel attended the meeting on behalf of the Department of Community Services.

The Special Studies Committee considered the following item:

1. Docket Nos. 04060035 OA and 04060036 Z: Village of WestClay

The applicant seeks to amend their PUD ordinance. The applicant also seeks to Rezone 30 acres from S-1/Residence-Estate to PUD-Planned Unit Development. The site is located at 131st St and Towne Rd.

Filed by Brandon Burke of The Schneider Corp, for Brenwick Development Co.

Dave Warshauer, Attorney with Barnes & Thornburg, and Keith Lash, Brenwick Development attended the meeting on behalf of the applicant. Tom Huston was present on behalf of Brenwick Development. Tom Ford, Edwards & Kelsey Traffic Engineers was also present.

Dave Warshauer gave a brief summary of his understanding of changes in the current plan. The community would like the 30 acres at the northwest corner of 131st Street and Towne Road taken out of play for commercial development, whether by Brenwick or by someone else. The residents of the lakes of Hayden Run want residential development to adjoin their neighborhood. The residents of Laurel Lakes do not want senior housing villas along 126th Street. The approximately 274,000 square feet of commercial space already permitted in the Village is deemed to be adequate and more should not be permitted. Finally, no existing S-1 ground should be zoned for commercial purposes.

Having heard those comments, the applicant has taken another look at the land plan. The first set of changes involves the senior housing—the senior housing component has been moved to the north side of Glebe Street, approximately 1200 feet from Laurel Lakes. The villas have also been moved to the north side of the structure, about 1600 feet north of Laurel Lakes. The senior housing area will be entirely internal to the Village of WestClay, surrounded by retail structures, Village Homes to the east, and to the south and west by townhomes.

The south part of the site, for 800 feet north of 126th Street, would be the same types of Village homes permitted under the existing plan. The building height is currently limited at 45 feet and will remain limited to 45 feet.

The 30 acres at the northwest corner of Towne Road and 131st Street would be designated as the peripheral retail area. The feeling is clearly not to rezone to a commercial classification, therefore, the applicant has attempted to relocate this area within the existing PUD development. The peripheral retail has been moved from the northwest corner internally into the Village. The peripheral retail now fronts on Towne Road; on 131st Street to the north, the retail area is buffered by senior housing villas and townhomes on the south, and by townhomes and open space on the west.

The applicant has agreed that commercial space west of Towne Road will not exceed 100,000 square feet. Currently, the total amount of commercial space within the Village of WestClay will not exceed 274,800 square feet that is presently authorized. Basically, the applicant is requesting the re-allocation of some of the square footage that has already been approved as a part of this PUD Ordinance. The applicant is not asking for any new commercial square footage to be approved by the Village of WestClay. Access will be available to the north in the event that the area develops for residential use.

The applicant has agreed to execute a covenant running with the land that the 30 acres would be used only for residential purposes; this would restrict Brenwick from coming back and asking for something else. These changes have an effect of reducing the density proposed in August. Excluding the senior housing and the Village Center Lofts, the density being requested is 2.2 units per acre rather than 2.3 units per acre—two tenths of a unit per acre above the 2.0 permitted currently within the Village. If the senior housing and lofts are included, the density would be 2.5 dwelling units per acre as opposed to 2.6 requested.

The changes do the following: 1) Eliminates the northwest corner of 131st and Towne Road as a potential commercial site. 2) Keeps the amount of the permitted commercial square footage in western Clay Township at the current levels within the existing, approved PUD. 3) Keeps the commercial uses south of 131st Street. 4) Buffers the existing Laurel Lakes and Lakes at Hayden Run developments with single family residences. 5) Moves the senior housing and peripheral retail areas within the residential areas of the Village and lowers the aggregate density from the original request, all while allowing Brenwick to provide within the existing Village senior housing community, the more automobile intensive commercial uses that are not appropriate for the Village Center.

The Village of WestClay is not asking that the Comprehensive Plan be ignored or thrown out. The Village is asking that the Commission recognize that they are not here to re-try the 1998 zoning hearing as to whether or not the Village of WestClay is a good thing and whether or not the two units per acre that were approved is a good thing. Secondly, there were some comments that the Comprehensive Plan would prohibit commercial development in residential areas. If the growth policy plans are looked at closely, that is not the case—it says that residential land should be used primarily for residential purposes. But it also says that commercial can occur ...”When the commercial use is not commercial or regional serving nature and when the intensity in scale is compatible with surrounding residential uses.” The Comprehensive Plan also says that when neighborhood is serving retail, it should be located in residential areas.

According to the Indiana Planning and Zoning enabling statute, the Comprehensive Plan is one of five factors to be considered by the Plan Commission and the Council in zoning matters. The traffic study was done in 1998 as a part of the Rezone. The traffic study assumed that all units would be completed and added 1% traffic increase in volume. The study also assumed 390,000 square feet of commercial space in the Village—currently limited to 240,000 square feet. The 1998 study remains valid, and all up-dates use the same methodology. Senior housing generates very little traffic.

There are 5, fundamental issues to be decided.

1. Should Brenwick be permitted to relocate 100,000 square feet of its currently authorized commercial space west of Towne Road and south of 131st Street?
2. Should Brenwick be permitted to construct a 168-unit senior housing, assisted living facility and 48 senior housing villas west of Towne Road and north of Glebe Street?
3. Should the 30.1-acre parcel at the northwest corner of 131st and Towne Road be incorporated into the Village of WestClay as an exclusively residential component?
4. Should the authorized residential density of the Village of WestClay (exclusive of senior housing and Village Center lofts) be increased to 2.2 dwelling units per acre?
5. Should the authorized residential density of the Village of WestClay (inclusive of senior housing and Village Center lofts) be increased to 2.5 dwelling units per acre?

Department Comments: Jon Dobosiewicz said the Department met with Brenwick after the last meeting and discussed letters and comments received. The document before the Committee this evening is a result of that discussion. The issue goes beyond commercial development. The Committee should give instructions to the petitioner to re-submit language in the PUD so that the Committee can go through the language before forwarding to the full Commission for consideration.

Committee questions/comments:

Per Mark Rattermann’s request, David Warshauer went over specific design improvements and

S:\PlanCommission\Minutes\SpecialStudyCommittee\2004oct07specmtg

3

reviewed the old plan as compared with the new plan. The peripheral retail area will be entirely within the existing boundaries of the Village of WestClay and commercial uses west of Towne Road will be buffered on the west by townhomes, a ball field, amenities center, and landscaping. The commercial space west of Towne Road will not exceed 100,000 square feet and commercial space in the Village will not exceed 274,800 square feet (currently authorized.) No new commercial square footage is being requested.

Tom Huston commented as follows. Development of the 30-acre parcel at the northwest corner of 131st and Towne Road will be limited to residential uses. The area adjacent to Lakes of Hayden Run will be platted as single-family lots with detached village homes. The balance of the site will be developed as townhomes. Access will be provided for the adjacent 10-acre site to the north for future development. Brenwick will execute a covenant running with the land that the site may be used only for residential purposes.

Jerry Chomanczuk—the petitioner has addressed density with and without senior housing. The senior housing and peripheral retail have been shifted internally to the development.

Wayne Haney—the new proposal is more workable than the previous proposal. The parking areas are internal, behind the buildings, and the maximum height of the townhomes and retirement section are the same—no change.

Open for Public Comments:

Marilyn Anderson, 3884 Shelborne Court, Carmel 46032. Ms. Anderson addressed the Committee with traffic questions and the traffic study that was done. Ms. Anderson requested that the Commission (City) hire its own engineer to conduct a study with a current count. Ms. Anderson's comments were also submitted in a letter and will be made a part of the file.

Charlie Scott, Crossfields subdivision adjoining Laurel Lakes, was concerned that this development is being “pushed through” and was further concerned with commercial on the peripheral area rather than internal. The neighboring residents “don’t want it” and are not in favoring of the Village expansion. Reasons: 1) Automotive intensity—“we don’t want it.” 2.) We don’t want it even as proposed presently. 3) Should 30.1 acres be incorporated into the Village as a residential component—“No, we don’t want it.” 4) Should the authorized residential density be increased to 2.2 dwelling units per acre?—“No, we don’t want it.” 5) The demographics are the same as when proposed in 1998—Who does want it?

Note: Mr. Scott spoke as an individual homeowner and was not representing a homeowners association.

Harry Leopold, resident of Huntington Chase, said the new plan was more acceptable, although he would like to see walking/biking paths for the benefit of area residents/families.

Sarah Scott, resident of Crossfields, stated concern with the architecture of the buildings and if the commercial would be consistent architecture with current.

Wendy Horn, Village of WestClay resident, spoke in support of the expansion. Ms. Horn was the second person in residence in the Village and has seen a lot of changes. The residents of the Village have had meetings regarding the expansion, and they are in support of this proposal.

Dee Fox, 11389 Royal Court, Carmel, Huntington Chase, previously submitted a petition against the changes proposed by Brenwick. Ms. Fox did say that she was impressed with the re-vamp and thought the changes were more acceptable. Ms. Fox was concerned about rezoning to higher commercial density—that it would open the door to commercialism coming into a residential neighborhood. The Comprehensive Plan apparently allows that, but not many persons want it. Personally, as long as the commercialism is contained within the Village development, it is acceptable. Ms. Fox referred to a letter that she had submitted—are there any lighting restrictions on this development?

Mark Lushell, 12110 Ellingwood Drive, president of Laurel Lakes HOA, had questions about the proposal and the number of persons who actually want this—what is the percentage? The proposal for a grocery, fast-food restaurant, pharmacy with a drive-thru, etc. would mean a major change in the residents in the Village. Is there enough ground on the east side of Towne road where this could be developed? The auto-intensity uses are not preferred. Mr. Lushell does not think the petitioner has made a good enough case for the expansion of commercial property to the west side of Towne Road. There was also a question regarding the lighting intensity in the Village. Mr. Lushell said he had never been contacted by anyone from Brenwick to talk about any concerns or feelings that Laurel Lakes may have for any of the changes in development.

David Warshauer responded that approximately 4,000 postcards were mailed to residents in Western Clay Township inviting them to an information meeting before the first Plan Commission. The same list was utilized at the time the Rezone was proposed.

Nadine Baker, Crossfields Subdivision, said she received a postcard but did not think it was very informative regarding commercial development.

Dave Warshauer read the postcard that was sent out more than a month prior to the Plan Commission meeting. The postcard said that the presentation would include information about a residential neighborhood, a neighborhood commercial area at the northwest corner of Towne Road and 131st Street, as well as information regarding senior housing west of Towne Road and north of 126th Street. Information is also available at www.brenwick.com or by calling the telephone number. The plans have been on the website. Short of going and knocking on 4,000 doors, more was done than was required.

Regarding the lighting, there are some provisions in the Ordinance. The easiest answer is that if the lighting is obnoxious, people will not buy the residential lots surrounding the commercial area. Brenwick has an interest in maintaining lighting levels. Frankly, the concern about lighting and traffic is no different than if this were located on the east side of Towne Road as opposed to the west side of Towne Road—the same issues would exist both for Brenwick and for the neighbors in Laurel Lakes and Crossfields. There are provisions that address the lighting. There was an issue early on regarding the street lighting in the Village, and when brought to

Brenwick' attention, it was corrected by changing the design of some of the lighting and retrofitting with diffusers, etc. Brenwick continues to be cognizant of the lighting.

A lot of the other comments have to do with whether or not Towne Road is a dividing line for commercial. Frankly, there is not a lot of developable ground in western Clay Township. No one wants to believe Brenwick when they say that one of the things that motivated them to originally come up with this plan was the fear that at some point, the northwest corner of Towne and 131st would be sold and developed and would be adverse to the Village.

The commercial is interior and within the existing Planned Unit Development and the area zoned residential at 131st and Towne Road will be left as residential. Brenwick is aware of the zoning in Westfield and Washington Township, and this proposal could not be farther away from that. Brenwick has never proposed a stripmall shopping center—no “B” shops—but individual buildings with a town feel that would be surrounded by residential uses. If anything, Brenwick has enhanced all of those uses by moving the proposed commercial area to the south side of 131st Street. Brenwick is not asking that any land presently zoned S-1 be zoned to permit commercial purposes. Brenwick is asking for a change to the Planned Unit Development for the Village of WestClay that already extends to the west side of Towne Road.

After a short recess, the Committee continued with its review.

Jerry Chomanczuk referred to the 5 Fundamental Issues to be decided.

Mark Rattermann commented that when the Village was initially proposed in 1998, he was a resident of Crooked Stick, geographically very close to the proposed Village. Mr. Rattermann had sent out 5 or 6 newsletters to anyone in the Township that would listen and was the leading spokesperson to oppose this project. To some degree, no one wants change, no one wants any new neighbors. If not for this, we all would not live here. There are still some reservations, but the current proposal makes it more difficult because Brenwick has gone in a good direction. The concern initially, and still is, the traffic counts. The senior housing does not get on the road at 8:00 AM—neighborhood serving commercial does. There are still some issues with the lighting and this should be addressed to some degree. Mark Rattermann said his only concern was still the traffic and the densities. Architecture and design is not on the list of concerns, because Brenwick has done only first-class developments as far as design, infrastructure, landscaping, etc.

Jerry Chomanczuk commented that this meeting is directional and to give the petitioner the framework to proceed or see where there are major obstacles in one area or another.

Issue #2. By a show of hands, the Committee voted 5—0 to permit construction of a 168-unit senior housing assisted living facility and 48 senior housing villas west of Towne Road and north of Glebe Street.

Issue #1. By a show of hands, the Committee voted 5—0 to permit 100,000 square feet of commercial space to be re-located west of Town Road and south of 131st Street.

Issue #3. By a show of hands, the Committee voted 5—0 to allow the 30.1-acre parcel at the northwest corner of 131st and Towne Road to be incorporated into the Village as an exclusively residential component.

Issues #4 and #5 deal with density. The Committee determined that these two items would be discussed and reviewed when they meet again on October 26, 2004 at 7:00 PM.

The petitioner should probably be looking at changes to the Ordinance with the direction given this evening. The Ordinance language should match the presentation delivered this evening. The Committee would then go through the Ordinance step-by-step to review the modifications.

Brenwick undertook to get the modifications to the Department early next week so that distribution could be made to Committee members.

The meeting adjourned at 9:05 PM.

Jerry Chomanczuk, Chairperson

Ramona Hancock, Secretary